

NOV 19 2008

FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

FIRST GENERAL COUNSEL'S REPORT

MUR 5977

DATE COMPLAINT FILED: Feb. 25, 2008
DATE OF NOTIFICATION: Mar. 3, 2008
DATE OF LAST RESPONSE: Mar. 24, 2008
DATE ACTIVATED: Apr. 22, 2008

STATUTE OF LIMITATIONS: Feb. 15, 2013

COMPLAINANTS:

Emeryide Bradley
J. Edward Lupton
Mischele Seng

RESPONDENTS:

American Leadership Project
Roger V. Salazar

MUR 6005

DATE COMPLAINT FILED: Apr. 30, 2008
DATE OF NOTIFICATION: May 7, 2008
DATE OF LAST RESPONSE: Jun. 13, 2008
DATE ACTIVATED: Jun. 24, 2008

STATUTE OF LIMITATIONS: Feb. 15, 2013

COMPLAINANT:

Obama for America

RESPONDENTS:

American Leadership Project
Roger V. Salazar
Jason Kinney
Michele Dunkerly
Jay Eisenhower
Paul Goldenberg
Monica Graham
Stephen P. Kennedy
William Titleman
Richard Ziman
Mattis Goldman
Paul Rivera
Erick Mullen

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RELEVANT STATUTES:

2 U.S.C. § 431(4)(A)
2 U.S.C. § 431(8)(A)
2 U.S.C. § 431(9)(A)
2 U.S.C. § 433
2 U.S.C. § 434
2 U.S.C. § 441a
2 U.S.C. § 441b
11 C.F.R. § 100.22(a)-(b)
11 C.F.R. § 100.57
11 C.F.R. § 114.15

INTERNAL REPORTS CHECKED:

Disclosure Reports

FEDERAL AGENCIES CHECKED:

Internal Revenue Service

I. INTRODUCTION

The complaints in these matters allege that American Leadership Project ("ALP"), an entity organized under Section 527 of the Internal Revenue Code, has received contributions in excess of \$1,000 to influence the 2008 presidential primary campaign between Senator Hillary Clinton and Senator Barack Obama, and, therefore, should have registered with the Commission as a political committee and properly disclosed its activities in reports filed with the Commission. The complaint in MUR 5977 also alleges that ALP's fundraisers and donors violated the Federal Election Campaign Act of 1971, as amended, (the "Act") "as individuals, by failing to comply with the Act's limits on soliciting and making contributions to political committees." The MUR 6005 complaint additionally alleges that ALP has made expenditures in excess of \$1,000 for the purpose of influencing an election for Federal office and that ALP has knowingly and willfully violated the Act by failing to register as a political committee, file disclosure reports, and abide by applicable contribution limitations.

1 In response to the complaints, ALP asserts that it is not a political committee because it
2 does not meet the "major purpose" test and has not received contributions or made expenditures
3 in excess of \$1,000. ALP further argues that it operates independently from any federal, state or
4 local candidate, does not make any contributions to candidates, does not coordinate with any
5 candidates, and does not engage in express advocacy or its equivalent. According to ALP, its
6 fundraising efforts did not implicate 11 C.F.R. § 100.57 because ALP mentioned issues it sought
7 to discuss in communications but did not mention any federal candidate. ALP further states that
8 "neither the solicitations nor the website materials state that any funds will be used to support or
9 defeat a clearly identified federal candidate." ALP also claims that even if it had solicited funds
10 by stating those funds would be used to help elect or defeat a particular candidate, 11 C.F.R.
11 § 100.57 would be unconstitutional as applied here in light of *FEC v. Wisconsin Right to Life,*
12 *Inc.*, 127 S.Ct. 2652 (2007), because ALP's communications contain neither express advocacy
13 nor the functional equivalent thereof and are, therefore, not expenditures under the Act. Hence,
14 funds received to support those communications, according to ALP, cannot convert ALP into a
15 political committee.

16 Based on available information discussed below, we recommend that the Commission
17 find reason to believe that American Leadership Project violated 2 U.S.C. §§ 433, 434, 441b, and
18 441a(f) by: 1) failing to register as a political committee with the Commission; 2) failing to
19 disclose contributions and expenditures to the public in reports filed with the Commission;
20 3) knowingly accepting contributions in excess of \$5,000; and 4) knowingly accepting
21 contributions from prohibited sources. We also recommend that the Commission take no action
22 at this time as to the directors, officers, fundraisers, and donors of ALP.

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II. FACTUAL SUMMARY

ALP was formed on February 15, 2008 and is based in San Francisco, California. ALP files reports with the Internal Revenue Service under Section 527 of the Internal Revenue Code. 26 U.S.C. § 527. It has not registered with the Commission as a political committee. On its IRS Form 8871, the purpose of the organization is listed as "Section 527 political committee."

According to one media account, the following people run ALP:

- Roger Salazar of Acosta|Salazar LLC, former assistant press secretary in the Clinton White House from 1994-1999; national spokesman for then-Senator John Edwards' 2004 presidential race; national spokesman and deputy press secretary for the 2000 presidential campaign of Al Gore; and press secretary for former California Governor Gray Davis' successful re-election.
- Jason Kinney of California Strategies, LLC, a former senior communications advisor and chief speechwriter to former Governor Gray Davis.
- Mattis Goldman of SeaChange Media, a former ad maker for Los Angeles Mayor Antonio Villaraigosa, U.S. Senator Sherrod Brown, and Democratic Congressional Campaign Committee Chairman Representative Chris Van Hollen.
- Erick Mullen, a political consultant with Capitol Hill experience who has worked for the presidential campaigns of General Wesley Clark (Ret.) in 2004 and former Senator Bill Bradley, in 2000, as well as the successful 1998 Senate run of Charles Schumer.
- Paul Rivera, founder of Britton Marcy, LLC, senior political adviser for the 2004 Kerry-Edwards campaign, and a Clinton-Gore White House advance staffer from 1994 through 1999.

Posting of Jake Tapper to ABC News Blog, *New Pro-Clinton 527 to Ding Obama in Ohio*, <http://blogs.abcnews.com/politicalpunch/2008/02/new-pro-clinton.html> (Feb. 20, 2008, 09:33 EST).

ALP was formed ten days after Super Tuesday, February 5, 2008, when the greatest number of states held primary elections to select delegates to the national conventions, and just three days after the "Potomac Primary," when Virginia, Washington, D.C. and Maryland residents cast their ballots. The Potomac Primary reportedly was considered by some as a

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1 turning point in the Democratic primary race because Senator Obama won by significant margins
2 and, for the first time, took the lead in pledged delegates over Senator Clinton.¹

3 On its IRS Form 8872, ALP reported contributions of over \$3.4 million, with over \$2.5
4 million of that amount from labor unions, and expenditures of over \$2.6 million during the
5 period of February 15, 2008 to June 30, 2008. Some of the individual contributions exceeded the
6 contribution limitations applicable to political committees under the Act.

7 ALP reportedly targeted donors who had already donated the legal maximum to
8 Senator Clinton's campaign.² According to a Center for Public Integrity analysis, five of the six
9 individuals who have given \$10,000 or more to ALP had already given the legal maximum of
10 \$4,600 to Clinton's presidential campaign.³ One anonymous "major Clinton donor" admitted to
11 a reporter that the effort [to raise money in support of Senator Clinton] was an "open secret"
12 among donors.⁴

13 ALP's activities and public statements appear to have been directed almost exclusively
14 toward supporting Senator Clinton's bid for the Democratic presidential nomination. Based
15 upon electioneering communications reports filed with the Commission, it appears that ALP

¹ Jonathan Weisman, *Shifting Loyalties: Cracks in Clinton Coalition May Mark a Turning Point*, http://www.washingtonpost.com/wp-dyn/content/article/2008/02/12/AR2008021203196_pf.html, Feb. 13, 2008; Brian Knowlton, Patrick Healy and Jeff Zeleny, *Obama's victories draw more voter groups as Democrats waver*, <http://www.iht.com/articles/2008/02/13/america/campaign.php?d=1493>, Feb. 13, 2008.

² Posting of Leslie Wayne to The Caucus, the N.Y. Times Politics Blog, *Clinton Friends to Mount Ohio Ad Campaign*, <http://thecaucus.blogs.nytimes.com/2008/02/21/clinton-friends-to-mount-ohio-ad-campaign/> (Feb. 21, 2008, 12:57 EST); Marc Ambinder: A Reported Blog on Politics, Atlantic.com, *Pro-Clinton 527 Prepares For Ohio, PA and Texas*, http://marcambinder.theatlantic.com/archives/2008/02/proclinton_527_prepares_for_oh.php (Feb. 20, 2008, 08:20 EST).

³ Joah Israel, *Hillary Clinton's Double Donors: Largest Donors to Pro-Clinton 527 Have Something in Common*, Center for Public Integrity, *The Buying of the President 2008*, Mar. 5, 2008, available at http://www.buyingofthepresident.org/index.php/stories/hillary_clintons_double_donors/.

⁴ Marc Ambinder: A Reported Blog on Politics, Atlantic.com, *Pro-Clinton 527 Prepares For Ohio, PA and Texas*, http://marcambinder.theatlantic.com/archives/2008/02/proclinton_527_prepares_for_oh.php (Feb. 20, 2008, 08:20 EST).

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1 spent over \$4.2 million on broadcast ads that referred to Senator Hillary Clinton and/or Senator
2 Barack Obama and targeted the relevant electorate.⁵ ALP's website contains media player clips
3 of ALP's television and radio ads, all of which refer to a clearly identified federal candidate.
4 Many of these ads ran in Oregon, Pennsylvania, Texas, Ohio and Indiana, just prior to the
5 Democratic primaries in those states.⁶ Specifically, two ALP ads, "Blueprint" and "Count On,"
6 mention Hillary Clinton and her record on middle-class economic issues and health care. "Count
7 On" talks about Senator Clinton's record on health care and "Blueprint" highlights Senator
8 Clinton's record on jobs and outsourcing. The ads end with a call for viewers to "Tell Hillary to
9 keep working" for health care and on "these solutions for the middle class," respectively. A third
10 ad, "Every/Difference," explicitly compares Hillary Clinton's and Barack Obama's health plans,
11 stating that "Hillary Clinton's health care plan would help every American get affordable, quality
12 health care. Barack Obama's plan would leave as many as 15 million Americans uncovered."
13 At the end, the ad encourages viewers to "Call Barack Obama and tell him to support health care
14 for all Americans." After Senator Clinton suspended her campaign on June 7, 2008, ALP ran
15 one radio ad in Colorado during the Democratic National Convention that highlights Senator
16 John McCain's position on energy issues and ends with the tagline: "Call John McCain and tell
17 him Coloradoans need real solutions to our energy crisis."

18 According to a Politico.com article dated February 20, 2008, Roger Salazar, identified on
19 FEC Form 9 (the Electioneering Communications Reports filed with the Commission) as a

⁵ The \$4.2 million in disbursements disclosed in ALP's electioneering communication reports is significantly larger than the amount of expenditures disclosed in its IRS findings. The discrepancy in the amounts may be explained by the different reporting requirements of the IRS and the Commission. For example, with respect to the contributions received, ALP may have received a large number of small donations that did not exceed the IRS' \$200 itemization threshold, and the IRS does not require the disclosure of unitized receipts.

⁶ Transcripts of the television and radio advertisements are appended hereto at Attachment 1.

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1 person sharing/exercising control of ALP, e-mailed a reporter, informing him that Senator
2 Clinton is a "champion" of issues that matter to the middle class and that ALP supports her
3 positions in its ads. He reportedly wrote:

4 The American Leadership Project is a committee of Americans
5 who have come together to shine a backlight on issues that matter
6 most to our nation's middle class and do it in a positive way. These
7 are positive ads that serve to raise awareness about these issues at a
8 critical time in our nation's history in places where they are paying
9 the most attention. Right now that's Ohio and Texas. Senator
10 Clinton is a champion of these issues and ALP supports her
11 positions and we say so in the ads.

12 (emphasis added).
13

14 For the majority of its existence, the group's website showed media player clips of ALP's
15 advertisements, all of which supported Clinton's candidacy. ALP also solicits for donations on
16 its website. The solicitation states: "To keep our TV ads on the air, please click here to make a
17 secure online contribution." Information pertaining to ALP's fundraising by other means, for
18 instance, through mass mailings, individual letters, or verbal communications, was not addressed
19 in either the complaints or responses.

20 **III. THERE IS REASON TO INVESTIGATE WHETHER ALP TRIGGERED**
21 **POLITICAL COMMITTEE STATUS AND FAILED TO REGISTER AND**
22 **DISCLOSE ITS ACTIVITIES IN REPORTS FILED WITH THE COMMISSION**
23

24 ALP may be a "political committee" subject to the contribution limitations, source
25 prohibitions, and reporting requirements of the Act. See 2 U.S.C. §§ 431(4)(A), 433, 434, 441a,
26 and 441b. The Act defines a "political committee" as any committee, club, association, or other
27 group of persons that receives "contributions" or makes "expenditures" for the purpose of
28 influencing a federal election which aggregate in excess of \$1,000 during a calendar year.
29 2 U.S.C. § 431(4)(A). To address overbreadth concerns, the Supreme Court has held that only

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1 organizations whose major purpose is campaign activity can potentially qualify as political
2 committees under the Act. *See, e.g., Buckley v. Valeo*, 424 U.S. 1, 79 (1976); *FEC v.*
3 *Massachusetts Citizens for Life*, 479 U.S. 238, 262 (1986) ("*MCFL*"). The Commission has long
4 applied the Court's major purpose test in determining whether an organization is a "political
5 committee" under the Act, and it interprets that test as limited to organizations whose major
6 purpose is federal campaign activity. *See Political Committee Status: Supplemental Explanation*
7 *and Justification*, 72 Fed. Reg. 5595, 5597, 5601 (Feb. 7, 2007); *see also* FEC's Mem. in Support
8 of Its Second Mot. for Summ. J., *Emily's List v. FEC*, Civ. No. 05-0049 at 21 (D.D.C. Oct. 9,
9 2007).

10 The Commission's approach to complaints alleging that Section 527 organizations are
11 political committees has evolved over time. For Section 527 organizations operating during the
12 2004 election cycle, the Commission concluded there was reason to investigate whether they had
13 triggered political committee status when the available information demonstrated that the
14 objective of a group was to influence a federal election and the group raised and spent substantial
15 sums of money in furtherance of that objective. In such instances, the Commission concluded it
16 was appropriate to investigate whether, among those funds spent and received, the groups had

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1 made \$1,000 in "expenditures" or received \$1,000 in "contributions."⁷ See, e.g., the Factual and
2 Legal Analysis of MURs 5577 and 5620 (National Association of Realtors – 527 Fund).

3 For matters arising out of the 2006 election cycle and beyond, however, the Commission
4 indicated during a discussion of MUR 5842 (Economic Freedom Fund) in the September 11,
5 2007 Executive Session that, due to developments in the law, including the distillation of the
6 meaning of "expenditure" through the enforcement process and the promulgation of 11 C.F.R.
7 § 100.57 addressing when funds received in response to solicitations are treated as contributions,
8 it would now require that there be some information suggesting a specific expenditure was made
9 or a contribution received prior to authorizing an investigation. Based on a review of the
10 publicly available advertisements run by ALP and an analysis of the current state of the law, we
11 conclude that there is information available at this stage suggesting that ALP received over
12 \$1,000 in contributions.

13 **A. ALP May Have Received Contributions Exceeding \$1,000**

14
15 The term "contribution" is defined to include "any gift, subscription, loan, advance, or
16 deposit of money or anything of value made by any person for the purpose of influencing any
17 election for Federal office." 2 U.S.C. § 431(8)(A)(i). A gift, subscription, loan, advance, or
18 deposit of money or anything of value made by any person in response to any communication is
19 a contribution to the person making the communication if the communication indicates that any

⁷ The Commission had observed in prior matters involving 527 organizations that the complainant and the Commission will not have access to all solicitations and communications at this preliminary stage of the enforcement process in the vast majority of cases. For this reason, the Commission did not require evidence that the 527 organization triggered the statutory threshold of \$1,000 in contributions or expenditures before finding reason to believe, provided available information suggested that the organization has the sole or primary objective of influencing federal elections and has raised and spent substantial funds in furtherance of that objective. See, e.g., the Factual and Legal Analyses of MURs 5487 (Progress for America Voter Fund) and 5751 (The Leadership Forum).

1 portion of the funds received will be used to support or oppose the election of a clearly identified
2 Federal candidate. 11 C.F.R. § 100.57(a).

3 Available information suggests that ALP received over \$1,000 in funds in response to
4 communications indicating that the funds received would be used to support Hillary Clinton's
5 presidential campaign. Specifically, ALP solicited donations on its website by posting a
6 clickable button labeled "Contribute" next to media player clips of its television advertisements
7 referring to Hillary Clinton and favorably describing her plans on various issues, or Senator
8 Obama, Hillary Clinton's Democratic Primary opponent, with a negative description of his plan.
9 See discussion *infra* and Attachment 1. The fundraising appeal on the "Contribute" page of the
10 website states, "To keep our TV ads on the air, please click here to make a secure online
11 contribution." Even though the specific words in the appeal do not refer to Senator Clinton or
12 Senator Obama, they state that the purpose of the ads is to keep the ads on the air, and the
13 button's physical placement next to media clips of those very ads results in a clear identification
14 of the candidates. See 11 C.F.R. § 100.57(a). Each of these ads focused on Hillary Clinton's
15 plan, or Senator Obama's lack of a plan, on a variety of issues ranging from healthcare, to clean
16 energy, to the economy, such that the solicitation was clearly candidate-centered, not
17 issue-centered. In this way, whether there was an "open secret" or not, the website solicitation
18 indicated to potential donors that their funds would be used to support Hillary Clinton's
19 candidacy for President. The millions of dollars raised by ALP suggest that its online solicitation
20 may well have raised in excess of \$1,000 in contributions. See 2 U.S.C. §§ 431(4)(A) and
21 431(8)(A)(i); 11 C.F.R. § 100.57(a).

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B. ALP Had the Major Purpose of Federal Election Activity

According to its response to the complaint, ALP's major purpose is "to raise public awareness of vital public policy issues affecting America's middle class – the economy and jobs, tax fairness, health care reform, public education, trade policy, and the mortgage crisis, among others – against the high-visibility backdrop of closely-contested primary elections." However, publicly available information suggests that the true objective of ALP was to influence the outcome of the 2008 Democratic presidential primary elections by supporting Senator Clinton. Roger Salazar is reported to have acknowledged that it would be fair to characterize ALP as a "pro-Hillary committee."⁸

ALP's public statements, television advertisements, and website materials appear to establish that the organization's major purpose was to influence Senator Clinton's election. The timing of its formation, when Senator Clinton first appeared to be particularly vulnerable to losing the nomination to Senator Obama, and the upcoming primaries in Ohio and Texas appeared critical to her success, highlights this purpose. Roger Salazar reportedly stated in a phone interview with an interviewer that he "wouldn't deny" that ALP was an independent group put together to support Hillary Clinton in the Ohio and Texas primaries.⁹ Moreover, as noted, ALP's website contained media clips of its TV ads referencing Senator Clinton and solicited funds to keep those ads running. Further, it appears that the vast majority of the funds raised – over \$4 million in just a little over four months – were spent on its television advertising

⁸ Posting of Jonathan Riskind to The Daily Briefing, Blog of the Columbus Dispatch, *New 527 group has pro-Clinton ad on the web*, http://blog.dispatch.com/dailybriefing/2008/02/new_527_group_has_proclinton_a.shtml (Feb. 20, 2008, 15:31 EST).

⁹ Posting of Jonathan Riskind to The Daily Briefing, Blog of the Columbus Dispatch, *Pro-Clinton Dems to start anti-Obama 527 Group?*, http://blog.dispatch.com/dailybriefing/2008/02/proclinton_dems_to_start_antiobama_1.shtml (Feb. 20, 2008, 11:02 EST).

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1 campaign in states with upcoming Democratic primaries at a time when Senator Clinton needed
2 the most help in her contests with Senator Obama. Since Senator Clinton suspended her primary
3 campaign, ALP has, according to its most recent IRS report, received only \$1,050 in
4 contributions – a significant decline from the \$3.4 million it received between February 15 and
5 June 7, 2008 – and other than running one radio ad critical of Senator McCain, has had no other
6 significant activity. Thus, it appears that ALP's major purpose was federal election activity.¹⁰

7 **C. Recommendations on Political Committee Status**

8 If ALP was operating as a political committee, it must comply with the Act's contribution
9 limitations. See 2 U.S.C. § 441a(f). ALP, however, accepted contributions from individuals in

¹⁰ Because the available information suggests that ALP received contributions in excess of \$1,000 and had as its major purpose federal election activity, it is not necessary that we base our recommendations herein on information suggesting ALP made expenditures in excess of \$1,000. Further, we decline to do so here because we believe we have all or nearly all of ALP's communications and the one that comes closest to express advocacy is arguably a close call. In determining whether an organization makes an expenditure, the Commission "analyzes whether expenditures for any of an organization's communications made independently of a candidate constitute express advocacy either under 11 C.F.R. § 100.22(a), or the broader definition at 11 C.F.R. § 100.22(b)." Supplemental Explanation and Justification, Political Committee Status, 72 Fed. Reg. 5595, 5606 (Feb. 7, 2007). The Commission's regulations provide that express advocacy includes communications containing an "electoral portion" that is "unmistakable, unambiguous, and suggestive of only one meaning" and about which "reasonable minds could not differ as to whether it encourages actions to elect or defeat" a candidate when taken as a whole and with limited reference to external events, such as the proximity to the election. See 11 C.F.R. § 100.22(b). In its discussion of then-newly promulgated section 100.22, the Commission stated that "communications discussing or commenting on a candidate's character, qualifications or accomplishments are considered express advocacy under new section 100.22(b) if, in context, they have no other reasonable meaning than to encourage actions to elect or defeat the candidate in question." See 60 Fed. Reg. 35292, 35295 (July 6, 1995).

Of the advertisements of which we are aware, the "Every/Difference" ad run by ALP in Texas is arguably a close call as to whether it contains express advocacy within the meaning of 11 C.F.R. § 100.22(b). The ad explicitly compares Hillary Clinton's and Barack Obama's health plans, stating that "Hillary Clinton's health care plan would help every American get affordable, quality health care. Barack Obama's plan would leave as many as 15 million Americans uncovered." This candidate comparison with a focus on their health care "plans," could be construed as a reference to their campaign platforms. By comparing the two candidates, it seems the ad is focusing on the qualifications of one candidate to present an acceptable health plan over the other. Hence, it can be argued that the only reasonable way to understand the Clinton-Obama comparison is with respect to their capacities as presidential candidates, not as Senators. Their positions are most relevant to the Texas television audiences viewing this ad in connection with their Presidential primary campaigns. However, as this is a close call, we acknowledge the Commission's determination that "the tie goes to the speaker." See Explanation and Justification, Electioneering Communication, 72 Fed. Reg. 72899, 72906 (Dec. 26, 2007) (An electioneering communication is considered exempt if it satisfies a balancing test set forth at 11 C.F.R. § 114.5(c) that weighs whether a communication includes the indicia of express advocacy and whether the content has an interpretation other than as an appeal to vote for or against a clearly identified candidate).

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1 excess of \$5,000, as well as from labor unions, a prohibited source. Based upon the foregoing,
2 we recommend that the Commission find reason to believe that American Leadership Project
3 violated 2 U.S.C. §§ 433, 434, 441b, and 441a(f) by failing to register as a political committee
4 with the Commission; by failing to disclose its contributions and expenditures in reports filed
5 with the Commission; by knowingly accepting contributions from prohibited sources; and by
6 knowingly accepting contributions from individuals in excess of \$5,000. ALP's officers,
7 directors, donors, and fundraisers were also named as respondents in this matter. We
8 recommend that the Commission take no action at this time with respect to them so that we may
9 focus our investigation on the organization.

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17 **V. RECOMMENDATIONS**

- 18
19 1. Combine MURs 5977 and 6005 into MUR 6005.
- 20 2. Find reason to believe that American Leadership Project violated 2 U.S.C. §§ 433,
21 434, 441b, and 441a(f), by failing to register as a political committee with the
22 Commission; by failing to report its contributions and expenditures; by knowingly
23 accepting contributions in excess of \$5,000; and by knowingly accepting prohibited
24 contributions;
- 25 3. Take no action at this time with respect to Roger V. Salazar, Jason Kinney, Michele
26 Dunkerly, Jay Eisenhower, Paul Goldenberg, Monica Graham, Stephen P. Kennedy,
27 William Titleman, Richard Ziman, Mattis Goldman, Paul Rivera, and Erick Mullen;

4. Approve the attached Factual and Legal Analysis;

5. _____

6. Approve the appropriate letters.

Thomasenia P. Duncan
General Counsel

11/12/08

Date

BY:


Ann Marie Terzaken
Associate General Counsel


Sidney Locke
Assistant General Counsel


April J. Sands
Attorney

Attachments

1. Transcript of American Leadership Project Advertisements

MURs 5977 and 6005
American Leadership Project
Ad Transcripts

| "MIDDLE" | Approximate Run Date: 5/28/2008 |
|---|---|
| Audio | Visual |
| Gas and food prices are squeezing Oregon families from both ends. | Images of gas and grocery store clerk with graphic "cost of living" being squeezed between the two. |
| Hillary Clinton has the right plan to help. | Two images on each side of the screen. One of Hillary giving speech. Other image of a crowd, listening. |
| Her plan focuses on clean energy, creating more good paying jobs right here. | Split screen with images of manufacturing with graphic: "Oregon: Clean energy, high paying jobs." |
| No wonder the Salem Statesmen Journal wrote that Hillary Clinton gets the concerns of the middle class. | Image of Hillary Clinton giving speech with graphic of "Statesmen Journal" "Hillary Clinton 'gets' the concerns of the middle class." |
| Call Hillary Clinton and tell her to keep fighting for clean energy and good jobs. | Graphic: Call Hillary Clinton. Clean Energy. Good Jobs. 202 224-4451. |
| Paid for by American Leadership Project, which is responsible for its content. Not authorized by any candidate or candidate's committee | Graphic of: Paid for by American Leadership Project, which is responsible for its content. www.Leadership-project.org . Not authorized by any candidate or candidate's committee. |

| "JOBS" | Approximate Run Date: 4/29/2008 |
|--|--|
| Audio | Visual |
| Our economy is in trouble. | Images of working class people, for sale sign on home with graphic: "feels like a recession" "rising prices" "unemployment" "foreclosures" |
| Rising prices. Unemployment. Foreclosures. | |
| So, what's Barack Obama's plan? | Image of a tense looking senior citizen. Graphic: "Obama's Plan?" |
| The Associated Press reported that | Graphic: "No specifics" with quote |

| | |
|--|--|
| <p>Obama's proposals to clean up financial markets had no specifics.</p> <p>And, The Washington Post wrote that what Obama would actually do remains a mystery in too many areas.</p> <p>Call Barack Obama and tell him to give Hoosiers a real plan to fix our economy.</p> <p>Paid for by American Leadership Project, which is responsible for its content. Not authorized by any candidate or candidate's committee.</p> | <p>attribution to associated press.</p> <p>Graphic: "The Obama Mystery" with quote attribution to The Washington Post.</p> <p>Graphic: Call Barack Obama (202) 224-2854. Tell him to give us a REAL plan to fix our economy.</p> <p>Graphic of: Paid for by American Leadership Project, which is responsible for its content. www.Leadership-project.org. Not authorized by any candidate or candidate's committee.</p> |
|--|--|

| "EVERY/DIFFERENCE" | Approximate Run Date: 3/3/2008 |
|---|---|
| Audio | Video |
| <p>Health care plans. The difference? Hillary Clinton's health care plan would help every American get affordable, quality health care. Barack Obama's plan would leave as many as</p> <p>15 million Americans uncovered. So you would either be one of the millions without coverage or you would keep paying more to provide emergency health care for the millions of uninsured.</p> <p>Call Barack Obama and tell him to support health care for all Americans.</p> <p>Paid for by American Leadership Project, which is responsible for its content. Not authorized by any candidate or candidate's committee.</p> | <p>On screen a graphic of a little blue silhouette of a man and the words "Healthcare Plans Hillary Clinton: Every American. New York Times 2/22/2008."</p> <p>Image of Barack Obama and hundreds of small little blue silhouettes quickly being blacked out to form the words "Without Coverage." With the attribution Wall Street Journal 12/5/07. And then the words "15 Million Americans" come up.</p> <p>Graphic: Call Barack Obama (202) 224-2854.</p> <p>Graphic of: Paid for by American Leadership Project, which is responsible for its content. www.Leadership-project.org. Not authorized by any candidate or candidate's committee.</p> |

| "COUNT ON" | | Approximate Run Date: 3/3/2008 | |
|--|--|---|--|
| Audio | | Video | |
| If speeches could solve problems, there would be no health care crisis. But it takes more. | | Images of sick people in hospitals and meeting with doctors with words "If speeches could solve problems, there would be no crisis. It takes more" appearing on screen. | |
| Hillary Clinton took on the hard work to provide health coverage for children. As Senator, she expanded care for the National Guard. | | Image of Hillary Clinton with graphic "Health Care for 350,000 Texas Children." More images of sick people in hospital. Words "health care access for 21,000 members of Texas National Guard." | |
| While lots of people talk about universal health care, experts say her plan gets it done. | | Image of woman getting an MRI with graphic "Clinton health care plan: beats anything else out there" Washington Post 9/19/07." | |
| Tell Hillary to keep working for health care we can all count on. | | Image of Hillary Clinton with graphic, "Tell Hillary to keep working." | |
| Paid for by American Leadership Project, which is responsible for its content. Not authorized by any candidate or candidate's committee. | | Graphic of: Paid for by American Leadership Project, which is responsible for its content. www.Leadership-project.org . Not authorized by any candidate or candidate's committee. | |

| "BLUEPRINT" | | Approximate Run Date: 3/3/2008 | |
|---|--|---|--|
| Audio | | Video | |
| If speeches could create jobs, we wouldn't be facing a recession. But it takes more. | | Images of houses with auction signs with graphic, "If speeches could create jobs we wouldn't be facing a recession. It takes more." | |
| As Senator, Hillary Clinton passed legislation to bring investment and jobs to struggling communities and worked to end tax breaks for corporations sending jobs overseas. Her economic blueprint is endorsed by Governor Strickland. | | Images of Hillary Clinton and workers on a building with graphic, "Hillary Clinton passed legislation for new investments and jobs." Images of more constructions workers and the graphic, "Hillary Clinton End Tax Breaks for Sending Jobs Overseas." Image of Hillary with Governor Strickland with graphic | |

| | |
|--|---|
| <p>Tell Hillary to keep working on these solutions for the middle class.</p> <p>Paid for by American Leadership Project, which is responsible for its content. Not authorized by any candidate or candidate's committee.</p> | <p>"Economic Blueprint Endorsed By Governor Strickland."</p> <p>Image of Hillary Clinton with graphic, "Tell Hillary to keep working."</p> <p>Graphic of: Paid for by American Leadership Project, which is responsible for its content. www.Leadership-project.org. Not authorized by any candidate or candidate's committee.</p> |
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| "SQUEEZED - South Dakota" | Approximate Run Date: 5/29/2008 |
|--|--|
| Audio | Video |
| <p>Gas and food prices are squeezing South Dakota families from both ends.</p> | <p>Images of cash register and gas price signs. With graphic of "South Dakota Families" and a picture of a family above the words.</p> |
| <p>Hillary Clinton has the right plan to help.</p> | <p>Image of Hillary Clinton with graphic: "Hillary Clinton. The Plan To Help."</p> |
| <p>One. Promote clean energy to create more good paying jobs in South Dakota.</p> | <p>Graphic of numeral "1." Image of windmill. Graphic of "Clean Energy" and "High-Paying Jobs" with images of various people in various jobs.</p> |
| <p>Two. Cut taxes for the middle class.</p> | <p>Graphic of numeral "2." Image of woman helping her child with homework. Graphic, "Middle-Class Tax Cuts."</p> |
| <p>Three. Eliminate the special tax breaks for the big oil companies.</p> | <p>Graphic of numeral "3." Image of oil well pumping oil with graphic, "End Tax-Breaks for Big Oil."</p> |
| <p>Call Hillary Clinton and tell her to keep fighting for the middle class.</p> | <p>Image of Hillary Clinton at a campaign rally with graphic of "Call Hillary Clinton Keep Fighting for the Middle-Class. "(202)224-4451.</p> |
| <p>Paid for by American Leadership Project, which is responsible for its content. Not authorized by any candidate or candidate's committee.</p> | <p>Graphic of: Paid for by American Leadership Project, which is responsible for its content. www.Leadership-project.org. Not authorized by any candidate or candidate's committee.</p> |

| "SQUEEZED – Montana" | Approximate Run Date: 5/29/2008 |
|--|---|
| Audio | Video |
| Gas and food prices are squeezing Montana families from both ends. | Images of cash register and gas price signs. With graphic of "Montana Families" and a picture of a family above the words. |
| Hillary Clinton has the right plan to help. | Image of Hillary Clinton with graphic. "Hillary Clinton. The Plan To Help." |
| One. Promote clean energy to create more good paying jobs in Montana. | Graphic of numeral "1." Image of windmill. Graphic of "Clean Energy" and "High-Paying Jobs" with images of various people in various jobs. |
| Two. Cut taxes for the middle class. | Graphic of numeral "2." Image of woman helping her child with homework. Graphic, "Middle-Class Tax Cuts." |
| Three. Eliminate the special tax breaks for the big oil companies. | Graphic of numeral "3." Image of oil well pumping oil with graphic, "End Tax-Breaks for Big Oil." |
| Call Hillary Clinton and tell her to keep fighting for the middle class. | Image of Hillary Clinton at a campaign rally with graphic of "Call Hillary Clinton Keep Fighting for the Middle-Class. (202)224-4451." |
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| Radio Ad – “MORE MONEY MORE PROBLEMS” Colorado | Approximate Run Date: 8/23/2008 |
|---|--|
| <p>Gas Prices across Colorado exceeded the 4 dollar per gallon.....</p> <p>Exxon Mobil reported the biggest quarterly profit ever by a corporation....</p> <p>Demonstrators in Denver today rallied against big oil profits....</p> <p>With Colorado’s working families struggling to make ends meet, big oil companies are enjoying record profits. The John McCain solution? More money for big oil. More problems for us. McCain wants to drill along our coastline which experts say won’t produce oil until 2018. But he has repeatedly opposed incentives for provable renewable energies like wind and solar power. McCain voted against requiring big oil to invest their windfall profits in clean energy and new jobs. But he supports a 4 billion dollar tax break for America’s 5 richest oil companies. That’s not a path to energy independence.</p> <p>Call John McCain at (202) 224-2235 and tell him Coloradans need real solutions to our energy crisis. Visit Leadership-project.org.</p> <p>Paid for by the American Leadership Project which is responsible for its content. Not authorized by any candidate or candidates’ committee.</p> | <p>Faux Radio Announcers.</p> <p>Regular voice over.</p> |